

Exhibit 11

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION MDL No. 2804  
OPIATE LITIGATION

Case No. 17-md-2804

Judge Dan Aaron

This document relates to: Polster

The County of Cuyahoga v. Purdue  
Pharma L.P., et al.

Case No. 18-OP-45004

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Videotaped deposition of
JAMES A. GUTIERREZ, ESQ.

January 31, 2019

9:48 a.m.

Taken at:

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TRANSCRIPT INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES	2
INDEX OF EXHIBITS	6
INDEX OF OBJECTIONS	9
EXAMINATION OF JAMES A. GUTIERREZ, ESQ.: BY MS. WOODS	15
AFTERNOON SESSION	135
REPORTER'S CERTIFICATE	321
EXHIBIT CUSTODY - RETAINED BY COURT REPORTER	

1 a similar one on the east side. And these
2 are -- what they are are different detectives
3 from different jurisdictions all basically work
4 with one unit. Like the Westshore Enforcement
5 Bureau are detectives from different cities.
6 There's one on the east side. And then all
7 local jurisdictions in Cuyahoga County, all the
8 police departments, if they have an issue in a
9 particular incident there, they'll call us.

10 Q. Do you work with the Drug
11 Enforcement Administration?

12 A. Yes.

13 Q. Would you say that you communicate
14 on a regular basis with the DEA?

15 A. I used to, but not recently.

16 Q. During what period of time were you
17 communicating regularly with the DEA?

18 A. Well, I -- to answer your question
19 candidly, it depends who is sitting in that
20 chair with the DEA locally, and that
21 relationship. So over the years we would have
22 better relationships with some of the diversion
23 directors than other ones, and so -- and the DEA
24 has their own policies, whether they want to
25 come to us with certain cases. Sometimes they

1 did. Sometimes they didn't. So over the years
2 it's been kind of hit and miss.

3 Q. Okay. Are there particular years
4 where you recall having more routine
5 communication relative to the other years?

6 A. I would say from middle '90s to the
7 middle 2000s, maybe 2005.

8 Q. And are there years when you recall
9 having less communication with the DEA relative
10 to the other years?

11 A. Again, I would say it was hit and
12 miss. It would depend on the case and things of
13 that nature.

14 Q. I believe you stated that currently
15 you don't have regular communication?

16 A. Well, I do. I mean, I do. I don't
17 know what you mean by "regular." Do we -- do I
18 talk to them over a period of a year? Yes. We
19 have certain individuals that are in a task
20 force that are local CPD officers that work with
21 the DEA. They have a task force. So if you
22 want to -- if you want to say that, yeah, then I
23 have a regular communication with them.

24 Q. But over the years you had the most
25 communication with your DEA counterparts between

1 prosecution?

2 MR. SPELLACY: Objection.

3 A. I don't know the answer to that
4 question. I don't know anybody who would.

5 Q. And when was the first time your
6 office considered filing charges in a
7 prescription opioid case?

8 MR. SPELLACY: Objection.

9 A. Again, all I can tell you is what I
10 have -- what my experience was since basically
11 1989, when I started doing practitioners.

12 Q. When was the first time you filed a
13 prosecution related to prescription opioids?

14 A. Early '90s.

15 Q. Were prescription opioids a problem
16 in the early '90s?

17 MR. SPELLACY: Objection.

18 A. Absolutely.

19 Q. And what kind of problem were they
20 posing in the 1990s in Cuyahoga County?

21 A. When OxyContin came out, it was --
22 it was like a jailbreak. It just exploded.

23 Q. And when did that occur?

24 A. The late '90s, when OxyContin first
25 went on the market. It was unbelievable what

1 MR. SPELLACY: Objection.

2 Q. How does the number of prescription
3 opioid crimes prosecuted by your office in the
4 late 1990s compare to the early 1990s?

5 MR. SPELLACY: Objection.

6 A. I couldn't quantify that for you.

7 Q. Am I correct that you noticed a
8 surge in prescription drug crime in the late
9 1990s?

10 MR. SPELLACY: Objection.

11 A. I noticed a surge in the -- in
12 the -- what's the word I'm looking for -- in the
13 wanting of a certain drug, which was OxyContin.

14 Q. And what sources of data informed
15 you of that?

16 A. Again, just my experience of talking
17 to the officers on the streets.

18 Q. Which specific officers did you
19 speak to?

20 A. Back in the '90s?

21 Q. Yes.

22 MR. SPELLACY: Objection.

23 A. There were individuals that are
24 retired now. I could give you some names of
25 people that worked back in the '90s. Bob Cole,

1 who was a diversion supervisor of the pharmacy
2 board, Jim Rye, Lynn Mudra. Those are the names
3 that come to my mind.

4 Q. And who did Jim Rye work with?

5 A. All pharmacy board investigators.

6 Q. Apart from those three individuals,
7 were there any other sources that you recall
8 speaking with?

9 A. Yeah, but I don't know their names.
10 Local law enforcement people.

11 Q. How many such people --

12 MR. SPELLACY: Objection.

13 Q. -- approximately?

14 A. I'd say a handful.

15 Q. And what steps did your office take
16 to deploy resources toward prescription drug
17 work in the late 1990s?

18 MR. SPELLACY: Objection.

19 A. The only thing I can tell you is if
20 we were doing a practitioner and we needed to
21 hire an expert, then we got money to hire an
22 expert.

23 Q. Are you aware of any other resources
24 that were deployed in reaction to the surge in
25 prescription drug crime?